IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO.248 OF 2007

AND

APPEAL NO.293 OF 2007

IN

CHAMBER SUMMONS NO.299 OF 2007

IN

SUIT NO.1603 OF 1985

Rajesh Kantilal Shah and ors. ...Appellants

v/s

Kishore K. Badiani and ors. ...Respondents

Mr R.D. Soni i/b M/s Singhi and Co. for Appellants.

Mr A.Y. Bookwala with Ms S. Srikrishna i/b M/s Sonal Doshi and Co. for Respondents.

CORAM : D.K. DESHMUKH AND J.H. BHATIA JJ.

DATE : 2ND JULY 2007.

P.C. :-

1. Both these appeals have been directed against the same order dated 9th March 2007 passed in chamber summons No.299 of 2007. By consent of parties, the order impugned in both the appeals is set aside. By consent of parties, the appeals are disposed off in following terms.

A) The Court Receiver shall within one week from today, publish a notice inviting bids for appointment of the agent of the Court Receiver for carrying out the same business which was being carried on in the premises viz. hotel business. Bids from respondent Nos.1, 2 and 3 in chamber summons No.299 of 2007 shall not be accepted.

B) The Court Receiver shall before accepting the bid, satisfy himself about the genuineness of the bid as also capacity of the bidder whose bid is to be accepted about payment of royalty. The court Receiver shall take suitable security from the highest bidder, securing payment of the royalty that will be accruing from month to month.

C) The Court Receiver shall require the person whose bid is accepted to execute the agency agreement within a period of one week from the date of acceptance of the bid.

D) The expenses that may be necessary for publishing the advertising and other necessary expenses shall be borne from the suit account. So far as the expenditure necessary for security of the premises, the amount shall be spent from the suit account, but the parties have agreed to secure suitable order at the final decision of the suit in relation to the liability of payment of security charges.

. Both the appeals are disposed off.

. Court Receiver and parties to act on the copy of this order duly authenticated by the Associate / Private Secretary as true copy.

. Certified copy expedited.